

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Ann Coyle, on behalf of herself and)	Civil Action No. 08 C 03407
all other similarly situated persons,)	
)	
<i>Plaintiff,</i>)	Judge James F. Holderman
)	
v.)	Magistrate Judge Susan R. Cox
)	
Avent America, Inc.,)	
Philips Electronics North America Corp.,)	
Gerber Products Co.,)	
Handi-Craft Co.,)	
Nalge Nunc International Corp., and)	
Playtex Products, Inc.)	
)	
<i>Defendants.</i>)	

**AGREED MOTION TO EXTEND THE TIME FOR DEFENDANT PLAYTEX
PRODUCTS, INC. TO ANSWER OR OTHERWISE PLEAD**

Defendant Playtex Products, Inc. (“Playtex”), by and through its attorneys and pursuant to Federal Rule of Civil Procedure 6(b), hereby submits this Agreed Motion To Extend The Time For Defendant Playtex Products, Inc. To Answer Or Otherwise Plead.

1. The pending suit is one of a number of actions recently filed against multiple defendants, including the defendants in this case: Avent America, Inc., Phillips Electronics North America Corp., Gerber Products Co., Handi-Craft Co., Nalge Nunc International Corp., and Playtex (collectively, the “Defendants”).

2. On June 12, 2008, Plaintiff filed the instant Complaint. On July 22, 2008, counsel for Playtex entered their appearance before this Court. Subsequently, on July 29, 2008, Playtex executed a waiver of service. Playtex’s answer is currently due on August 12, 2008.

3. On or about June 20, 2008, Plaintiff filed a motion before the Judicial Panel on Multidistrict Litigation (“Judicial Panel”), joining an already pending motion seeking transfer and consolidation of the suits against Defendants pursuant to 28 U.S.C. § 1407.

4. The Judicial Panel has scheduled a hearing on July 31, 2008 in San Francisco, California and will likely reach a decision regarding transfer and consolidation shortly thereafter.

5. On July 22, 2008, in light of the motion for transfer and consolidation pending before the Judicial Panel, counsel for Playtex conferred with counsel for Plaintiff regarding the appropriateness of stipulating to a limited extension of time for Playtex to answer or otherwise plead.

6. The parties have agreed that it is in the interests of judicial economy, preservation of judicial and party resources, and avoidance of potentially inconsistent pretrial decisions to postpone the time for Playtex to answer or otherwise plead until thirty (30) days after a ruling regarding transfer and consolidation by the Judicial Panel. See e.g., Tench v. Jackson Nat'l Life Ins. Co., Case No. 99 C 5182, 1999 U.S. Dist. LEXIS 18023, at passim (N.D. Ill. Nov. 10, 1999); Rivers v. Walt Disney Co., 980 F. Supp. 1358, 1360-62 (C.D. Cal. 1997) (“if this case is consolidated . . . and this Court is not assigned by the [Multidistrict] Panel to preside over the consolidated litigation, this Court will have needlessly expended its energies familiarizing itself with the intricacies of a case that would be heard by another judge.”); Am. Seafood, Inc. v. Magnolia Processing, Inc., Nos. 92-1030; 92-1086, 1992 U.S. DIST. LEXIS 7374, at *6 (E.D. Pa. May 8, 1992) (granting stay in part because the court’s rulings may conflict with decisions of other courts); see also MANUAL FOR COMPLEX LITIGATION (FOURTH) § 22.35 (2004) (“A stay pending the [Multidistrict] Panel’s decision can increase efficiency and consistency[].”).

WHEREFORE, Playtex respectfully requests that the Court enter an order extending the time for Playtex to answer or otherwise plead until thirty (30) days after a ruling regarding transfer and consolidation by the Judicial Panel. Playtex further requests any other relief the Court deems appropriate.

Dated: July 30, 2008

Respectfully submitted,

/s/ Mary Rose Alexander

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